State of Michigan.
In The Michigan Court of Appeals.
350 Ottawa Ave N.W.
Grand Rapids, Michigan 49503.
616-456-1167.

BREACH OF 17TH JUDICIAL CIRCUIT PLEA – 07/22/2015.
MCOA CASE NO.: 352572.
MOTION TO SEAL COURT OF APPEALS FILE: 352572 AND LOWER 17TH CIRCUIT CASE NO.: 14-11012-FH IN WHOLE; MCR 7.211 (C) (9).
BREACH OF 17TH CIRCUIT PLEA AGREEMENT - AT A SESSION HELD IN THE 17TH JUDICIAL CIRCUIT COURT ON – 07/22/2015. HON.: GEORGE S. BUTH P-11479:

IN RE: **STACEY R. SMITH** (PRO SE IN FORMA PAUPERIS).
M.D.O.C. NO.: 961806.
855 KALAMAZOO AVE SE **02/07/2020:11:10:29AM**
GRAND RAPIDS, MICHIGAN 49507.
616-350-5709.

V. **(VERBATIM PER THE BRIEF).** } MOTION TO SEAL COURT OF APPEALS FILE NO.: 353572 AND **17TH CIRCUIT FILE NO.: 14-11012-FH** (IN WHOLE).

17TH JUDICIAL CIRCUIT COURT.
ATTN.: HON.: MARK A. TRUSOCK P-38156.
CASE NO.: **20-00224-AS**
180 OTTAWA AVE NW. **MCR 7.203 (A), (B), (C) 1-6.**
GRAND RAPIDS, MICHIGAN 49503.
616-632-5220.
LEAD PROSECUTOR CHRIS R. BECKER P-53752.
KENT COUNTY PROSECUTOR'S OFFICE.
SUITE NO.: 450.
82 IONIA AVE NW.
GRAND RAPIDS, MICHIGAN 49503.
616-632-4700.
DEFENSE COUNSEL JOHN R. BEASON P-43095.
LAW OFFICES OF ATTORNEY JOHN R. BEASON.
SUITE NO.: 530.
15 IONIA AVE NW.
GRAND RAPIDS, MICHIGAN 49503.
616-458-3791.

(BREACH OF 17TH PLEA AGREEMENT) – MOTION TO SEAL APPEALS FILE NO.: 353572 & 14-11012-FH (IN WHOLE).

NOW ENTERS THE PLAINTIFF, IN RE, FOR BREACH OF THE PLEA AGREEMENT SET FORTH IN THE 17TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF KENT; PLAINTIFF, IN RE, HAS SOUGHT RELIEF IN THE FORM OF A MOTION TO SEAL CASE NO'S.: 352572, IN REFERENCE TO LOWER CASE NO.: 14-11012-FH IN THE 17TH JUDICIAL CIRCUIT COURT PURSUANT TO MCR 6.500 ET SEQ. FOR RELIEF IN CONJUNCTION TO MCR 7.211 (C) (9) – FOR THE 17TH JUDICIAL CIRCUIT COURT, LEAD PROSECUTOR CHRIS R. BECKER, AND DEFENSE COUNSEL JOHN R. BEASON FOR GROSS NEGLIGENCE FOR – BREACH OF THE 17TH JUDICIAL CIRCUIT COURT PLEA AGREEMENT.

SUMMARY.

In direct summary - To the issues to leave for appeal to The Michigan Court of Appeals with regard to a Motion for Relief From Judgment, is per the order of the Honorable Mark A. Trusock P-38156 Chief Judge of the 17TH Judicial Circuit Court in his Opinion and Order – that IN RE: STACEY R. SMITH'S relief, is a Motion for Relief of Judgment, hereby initiated in the Michigan Court of Appeals.

PLAINTIFF, IN RE, believes that the order received by U.S. District Judge Paul Lewis Maloney P-25194 is adopted, in part, to uphold AMENDMENT (V)-5 of the United States Constitution under Fifth Amendment Infringement due to the curtailing of the PLAINTIFF, IN RE'S, personal freedom ultimately upheld by Article 17 of The Michigan Constitution of 1963 which is also compelled to this Honorable Court. U.S. District Judge Paul Lewis Maloney attempted to uphold AMENDMENT (V)-5 through his adoption of Case No.: 1:16-CV-1381 pursuant to 28 U.S.C. 1361 and 1631 therefore being upheld by Article 17 of The Michigan Constitution of 1963. – IN INTERPRETATION.

PLAINTIFF, IN RE, believes that Defense Counsel failed to dismiss the case for lack of evidence, while plaintiff's own testimony, per say, was being used against him in the form of a falsified document discovered only by the PLAINTIFF, IN RE, until 11/14/2016 after reviewing the case. Please refer to EXHIBIT (A) in the file which was comprised of Det. Swiercz's (***falsified***) 62A Affidavit for Probable Cause for Felony Complaint unknown to the Plaintiff, In Re, until said date. PLAINTIFF, IN RE, also

believes that Prosecution and Defense Counsel are in violation of MCR 6.201 (J). Defense Counsel should have dismissed this case in DISTRICT court pursuant to MCR 6.110 (C) and (H) but failed to do so by failing to have a Pre-Trial Conference and WAIVED it. Now this matter is under a BREACH OF THE PLEA AGREEMENT **WITHOUT REMEDY.**

AFFIDAVIT – Shall be the entry of the most recent back ground check from, "GENERAL INFORMATION SERVICES", as – PROOF OF PUBLISHED REGISTRATION in direct breach of the 17TH Judicial Circuit Plea Agreement.

ISSUE II: Without relief being granted this would have to then become an extraordinary circumstance to where Superintending Control ***could be warranted***.

PLAINTIFF, IN RE, believes this to be a transfer to cure want of Superintending Control pursuant to MCR 3.302, OR, UPHOLD Article 17 of the Michigan Constitution of 1963 with regards to AMENDMENT (V)-5 of the U.S. Constitution for infringement.

As of January 29, 2020, PLAINTIFF, IN RE, HAS FILED A MOTION FOR RE-CONSIDERATION for case No.: 20-00224-AS, with a HEARING DATE STILL SET FOR **FEBRUARY 07, 2020 at 2PM** AT THE 17TH JUDICIAL CIRCUIT COURT.

If Superintending Control is to be exerted, it is to be upon the 62A JUDICIAL **DISTRICT** COURT, lower court of The 17TH Judicial Circuit Court – **CASE ORIGINATION**.

MCL 600.4401 (1) – SUPERINTENDING CONTROL AGAINST A STATE OFFICIAL, was the basis of the COMPLAINT FOR WRIT OF MANADAMAUS in this proceeding based on the filing with the 6TH CIRCUIT COURT OF APPEAL FOR THE UNITED STATES – 17-1022 – **FILED AND AFFIRMED**.

NOLLE PRO SE QUI, AND APPLICATION TO SET ASIDE CONVICTION WITH, THE SCAO FORM FOR A MOTION FOR RELIEF OF JUDGMENT FORM, MOTION TO MODIFY SENTENCING – **ON FILE**.

A FEDERAL QUESTION: PURSUANT TO 28 U.S.C. 2403 (a) – If a State Agency is allowed to knowingly accept (FALSIFIED) information or a document which causes (SEFL-INCRIMINATION) to be used in a case which infringes upon a protected right in a criminal case?

PLAINTIFF, IN RE, believes that his rights and certain laws **CONTINUE** to be infringed upon by the courts **THEMSELVES.**

The Honorable Mark A. Trusock P-38156 refrained from issuing a Motion and/or Order to Show Cause for Becker and Beason for orchestration of the plea agreement and for **NON-COMPLIANCE AND ENFORCEMENT** as well.

VIOLATION OF DUE PROCESS RIGHTS – **VICTIM INDICATED IN THE WPD POLICE REPORT THAT HE WAS NOT HURT FROM ALLEGED INCIDENT.**

MALICE AND COERCION USED BY DET SWIERCZ – **DET. SWIERCZ IN THE AFFIDAVIT PLACED ME AT THE DAVID'S HOUSE ON 06/01/2014. WHEN MY FIRST DAY WAS ORIENTATION ON 06/13/2014 PLACING ME AT THE SCENE OF THE CRIME BEFORE I STARTED ON THE FLOOR AT THE DAVID'S HOUSE AND COULD NOT HAVE BEEN EMPLOYED AND ENGAGED WITH THE RESIDENCE AT THAT TIME.** (PROOF)**.**

Prosecution and Det. Sweircz in conjunction misconstrued **MCL 750. 520 (C) (1) (H)**. While Dr. Timothy Royer indicated PENETRATION while the 62A AFFIDAVIT FOR PROBABALE CAUSE FOR FELONY COMPLAINT INDICATES TOUCHING – IS **INCONSISTENT.**

28 U.S.C. 1631 – STIPULATES: VERBATIM; The District Courts shall have **(ORIGINAL)** jurisdiction in **ANY** action in the nature of **(MANDAMUS)**- or what is now called SUPERINTENDING CONTROL, To compel an officer or employee of the United States, IN THE STATE OF MICHIGAN, or **(ANY)** agency therof to perform the duty owed to the **PLAINTIFF,** to the Michigan Supreme Court – (GENERAL JURISDICTION) – In The Michigan Court of Appeals, as **AFFIRMED PER CURIAM. (MANDAMUS UT DE FOEDERATUM).**

HOWEVER, MCR 6.500 et seq. is the AFFIRMED relief for MCL 600.4401 (1) – SUPERINTENDING CONTROL ON STATE OFFICIALS FOR BREACH OF THE 17TH JUDICIAL CIRCUIT PLEA AGREEMENT ALONG WITH THE 17TH JUDICIAL CIRCUIT ITSELF – BREACH OF 17TH JUDICIAL CIRCUIT PLEA AGREEMENT SET FORTH AT A SESSION HELD ON – 07/22/2015.

MR. STACEY R SMITH:ELECTRONIC SIGNTURE FOR MCOA CASE NO.: **352572**.